

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

ROBERT D. LIPSCHER  
ADMINISTRATIVE DIRECTOR OF THE COURTS



CN-037  
TRENTON, NEW JERSEY 08625

August 25, 1986

MEMORANDUM TO: MUNICIPAL COURT JUDGES

FROM: Robert D. Lipscher *RDL*

RE: STATE OF NEW JERSEY V. JOHN E. TISCHIO,  
Superior Court of New Jersey, Appellate  
Division, A-2804-84T4, decided February 6, 1986  
Certification granted, August 5, 1986, Supreme  
Court of New Jersey, M-1047/1048, September  
Term 1985.

On June 25, 1986 I advised you that on June 3, 1986 the  
Supreme Court of New Jersey denied Defendant John E.  
Tischio's petition for certification.

I have been informed by the Deputy Clerk of the Supreme  
Court of New Jersey that the Supreme Court has reconsidered  
its original decision and has granted defendant John E.  
Tischio's petition for certification, limited to the issues  
set forth in the petition. A copy of the corrected order  
entered on August 5, 1986 is attached to this memorandum.

You will recall that the opinion of the Appellate  
Division affirmed defendant's municipal court conviction for  
a violation of N.J.S.A. 39:4-50(a) holding that a violation  
is established when there is sufficient alcohol in the  
driver's system to produce the proscribed reading - .10  
percent blood alcohol or greater - at any time after  
operation so long as there has been no ingestion of alcohol  
between the time of operation and the time of testing. A  
copy of that opinion has been sent to you as part of Bulletin  
Letter No. 1/2/3-86.

/mc

Attachment

cc: Dennis L. Bliss  
Ira Scheff  
Gail Gutmann  
Assignment Judges  
Trial Court Administrators  
Assistant Trial Court Administrators

SUPREME COURT OF NEW JERSEY  
M-1047/1048 September Term 1985  
25,358

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

JOHN TISCHIO,

Defendant-Movant.

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C O R R E C T E D

O R D E R

FILED

SUPREME COURT

AUG 18 1986

*Stephen W. Townsend*

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Clerk

This matter having been duly presented to the Court, it is ORDERED that the motion for leave to file motion for reconsideration as within time is granted (M-1047); and it is further

ORDERED that the motion for reconsideration of the petition for certification (C-873) is granted, limited to the issues set forth in the petition for certification (M-1048).

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 5th day of August, 1986.

*Robert N. Wilentz*

ACTING CLERK OF THE SUPREME COURT

I hereby certify that the foregoing  
is a true copy of the original on file  
in my office.

*Stephen W. Townsend*

CLERK OF THE SUPREME COURT  
OF NEW JERSEY